

SENATE BILL 1633

By Ford J

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 56, relative to acquired immune deficiency syndrome.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 27, Part 1, is amended by adding the following as a new section:

(a) A plan or contract offering health insurance coverage, under this chapter, shall provide coverage for a vaccine for acquired immune deficiency syndrome (AIDS) that is approved for marketing by the federal food and drug administration and that is recommended by the United States public health service.

(b) This section shall not be construed to require a plan or contract to provide coverage for any clinical trials relating to an AIDS vaccine or for any AIDS vaccine that has been approved by the federal food and drug administration in the form of an investigational new drug application.

(c) Nothing in this section is to be construed in any manner to limit or impede the state insurance committee's power or responsibility to negotiate the most cost-effective price for vaccine purchases.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following new sections:

56-7-2363.

(a) Every individual or group health care service plan contract that is issued, amended, or renewed on or after July 1, 2003, that covers hospital, medical, or surgery expenses shall provide coverage for a vaccine for acquired immune deficiency syndrome (AIDS) that is approved for marketing by the federal food and drug administration and that is recommended by the United States public health service.

(b) This section may not be construed to require a health care service plan to provide coverage for any clinical trials relating to an AIDS vaccine or for any AIDS vaccine that has been approved by the federal food and drug administration in the form of an investigational new drug application.

(c) A health care service plan that contracts directly with an individual provider or provider organization may not delete the risk adjusted treatment cost of providing services under this section unless the commissioner of commerce and insurance approves.

(d) Nothing in this section is to be construed in any manner to limit or impede a health care service plan's power or responsibility to negotiate the most cost-effective price for vaccine purchases.

56-7-2364.

(a) Every policy of disability insurance that is issued, amended, or renewed on or after July 1, 2003, that covers hospital, medical, or surgery expenses shall provide coverage for a vaccine for acquired immune deficiency syndrome (AIDS) that is approved for marketing by the federal food and drug administration and that is recommended by the United States public health service.

(b) This section may not be construed to require a policy to provide coverage for any clinical trials relating to an AIDS vaccine or for any AIDS vaccine that has been

approved by the federal food and drug administration in the form of an investigational new drug application.

(c) This section shall not apply to vision only, dental only, accident only, specified disease, hospital indemnity, Medicare supplement, CHAMPUS supplement, long-term care, or disability income insurance. For hospital indemnity, accident only, or specified disease insurance coverage, benefits under this section shall apply only to the extent that the benefits are covered under the general terms and conditions that apply to all other benefits under the policy or certificate. Nothing in this section shall be construed as imposing a new benefit mandate on accident only, hospital indemnity, or specified disease insurance.

(d) Nothing in this section is to be construed in any manner to limit or impede a disability insurer's power or responsibility to negotiate the most cost-effective price for vaccine purchases.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it. This act shall apply to contracts entered into or renewed on and after July 1, 2003.